

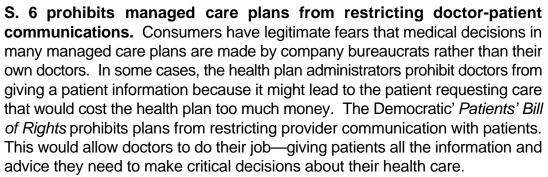
## DEMOCRATIC POLICY COMMITTEE

## JPC FACT SHEET

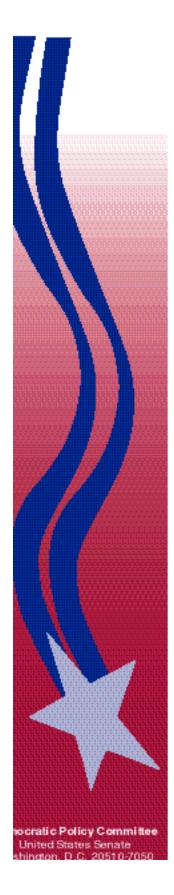
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## **Protecting the Doctor/Patient Relationship: Doctor/Patient Communications**



- Currently, plans can tell a doctor not to discuss some of the therapies that could help a patient—for example, the most expensive ones. When this happens, patients can go without getting the care they need-without even knowing about another therapy that could help them.
- Plans can also keep the physician from discussing the HMO's financial incentives. When this happens, doctors' recommendations may be biased by those incentives, while patients think that they are getting an objective opinion about the best care.
- Other plans include contract provisions stating that doctors cannot say anything critical about the plan, or they make it impossible for a doctor to talk about an HMO's utilization review techniques. When this happens, doctors can't warn patients about problems they may face, or tell patients when the plan has denied necessary care.
- The President's Advisory Commission on Consumer Protection and Quality in the Health Care Industry recommended a prohibition on gag rules. This recommendation already has been implemented for Medicare beneficiaries and Federal workers. All Americans deserve the same protection.
- Our opponents will argue that the Republican bill includes a prohibition on gag clauses. But their provision applies only when an insurance company or HMO prohibits the provider from giving medical advice. It does not ban the HMO from restricting advice in any other way—and we know from experience that there are many other restrictions that plans can make.





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